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Attorneys for Defendants

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

In re: Hyundai and Kia Engine Litigation

CASE NO. 8:17-cv-00838

Member Cases:
8:17-cv-01365-JLS-JDE
8:17-cv-02208-JLS-JDE
2:18-cv-05255-JLS-JDE
8:18-cv-00622-JLS-JDE

Related Case:
8:18-cv-02223-JLS-JDE

JOINT SUBMISSION OF REVISED NOTICES AND REQUEST FOR EXTENDED DEADLINE TO ISSUE NOTICES

The Hon. Josephine L. Staton

Trial Date: None Set

1 Pursuant to the Court's May 7, 2020 Order, the parties have met and
 2 conferred and now submit revised long form notices for the Hyundai and Kia
 3 defendants. The revised notices contain the changes requested by the Court (*see*
 4 ECF No. 132 at 28-30) as well as other clarifying edits to maintain consistency with
 5 the Settlement Agreement.¹ Redlined notices for the Hyundai and Kia defendants
 6 are attached as Exhibits B and C respectively.

7 The parties also note that the proposed notices anticipate notifying class
 8 members of the claims submission deadline. However, because the deadline to
 9 submit claims is 90 days following the Final Approval Order (*see id.* at 8), the
 10 parties will not know the final date for claim submissions when the notices are
 11 issued. Therefore, the parties seek guidance from the Court as to what information
 12 to include in the notices. One option would be to refer claimants to the settlement
 13 webpages for updated information once a Final Approval Order issues; another
 14 option would be use the Final Approval Hearing date or a fixed date shortly
 15 thereafter as the date from which the 90 day claims period will run.

16 In addition, the Court's May 7, 2020 Order asked defendants to issue
 17 individual notices via first-class mail and/or via email to Class Members within 30
 18 days of the Court's approval of the revised notices (*see id.* at 30), as opposed to 90
 19 days following the preliminary approval order as originally contemplated in the
 20 Settlement Agreement (*see* ECF No.128-1 at 7). Defendants have since consulted
 21 the third-party vendors that collect and prepare the information necessary for the
 22 notice packages for each class member and anticipate they will need the full 90 days
 23 contemplated. In particular, it can take between 10 business days and six weeks to
 24 collect all the class members' mailing addresses due to restrictions in certain states

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 26 ¹ Specifically, the revised notices include edits to clarify that (i) the warranty
 27 extension relates to bearing wear or damage, (ii) reimbursements for Qualifying
 28 Repairs completed prior to 90 days following the Final Approval Order are covered,
 and (iii) eligible 2019 model year vehicles are included in the rebate program.

1 (Declaration of Cameron R. Azari, Esq. (“Azari Decl.”)² ¶ 6; Declaration of Daniel
 2 Lee (“Lee Decl.”) at ¶ 2). It then takes another six weeks to combine and reconcile
 3 that information with defendants’ internal records as well as distribute the notices
 4 (Azari Decl. ¶ 7). In addition, the third-party vendors that assist with printing the
 5 notices and claim forms estimate they will need nearly 90 days to prepare all the
 6 materials due to the large number of class members anticipated and in light of the
 7 current restrictions in place due to COVID-19. (Lee Decl. at ¶ 3.). Accordingly,
 8 defendants respectfully request that the Court allow them to issue individual notices
 9 within 90 days of the Court’s approval of the revised notices. Plaintiffs do not
 10 oppose this request but are otherwise mindful of their duty to the class and otherwise
 11 want to maintain an expedited schedule and the current final approval hearing date.

12 NOW THEREFORE, the parties hereby:

- 13 • Submit a revised long-form notice for the Hyundai defendants, attached
 14 as **Exhibit B**, and a revised long-form notice for the Kia defendants is,
 15 attached as **Exhibit C**.
- 16 • Seek guidance as to the appropriate date to include in the long-form
 17 notices for when the claims submission period ends.
- 18 • Respectfully request that the Court allow defendants to issue individual
 19 notices within 90 days of the Court’s approval of the revised notices.

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² The Azari Decl. can found at ECF No. 134-1.

1 DATED: May 21, 2020

2 QUINN EMANUEL URQUHART &
3 SULLIVAN, LLP

4 By /s/ Shon Morgan

5 Shon Morgan

6 *Attorneys for Kia Motors America, Inc.,
7 Kia Motors Corporation, Hyundai Motor
8 America, Inc., and Hyundai Motor
Company, Ltd.*

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1 DATED: May 21, 2020

SAUDER SCHELKOPF LLC

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By /s/ Matthew D. Schelkopf

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ECF ATTESTATION

I, Shon Morgan, attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the e-filing of the foregoing document in compliance with Local Rule 5-4.3.4(a)(2).

By /s/ Shon Morgan
Shon Morgan